

December 2, 2020

The Honorable Nicholas G. Garaufis
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Plaintiffs' joint letter regarding *State of New York, et al. v. Trump, et al.*, No. 17-CV-5228 (NGG) (VMS), and *Batalla Vidal, et al. v. Wolf, et al.*, No. 16-CV-4756 (NGG) (VMS).

Dear Judge Garaufis,

Plaintiffs in *State of New York v. Trump*, No. 17-CV-5228, and *Batalla Vidal v. Wolf*, No. 16-CV-4756, submit this joint letter to seek leave to file a reply in support of their motion for partial summary judgment by this Friday, December 4, 2020, and to correct a misrepresentation by Defendants in their opposition to Plaintiffs' motion for summary judgment. Defendants stated that they do not oppose Plaintiffs' request to file a reply.

Defendants' opposition states that Plaintiffs declined a request to meet and confer regarding the scope of relief sought in this case. Dkt. 350 at 3 n.3. That assertion is inaccurate. On November 23, Defendants suggested meeting and conferring. Plaintiffs agreed, and proposed doing so on November 25 so Defendants could review Plaintiffs' requested relief and have an informed discussion after consulting their clients. *See* Exhibit 1. Defendants did not respond to Plaintiffs' offer.

Plaintiffs were unwilling to interrupt the briefing schedule on these motions because we agree with the Court that there is no good reason for further delay. *See* Nov. 18 Hr'g Tr. at 24:21-25:11. Today, after reviewing Defendants' response, Plaintiffs renewed their willingness to meet and confer, and specifically to discuss whether the parties can reach agreement on the conversion of one-year DACA grants and employment authorizations. Plaintiffs propose to update the Court not later than Friday, December 4, regarding whether the parties can stipulate to this or any other relief.

Plaintiffs also seek leave to file a short reply memorandum limited to one part of their motion and Defendants' opposition: specifically, the question of relief for individuals who accrued unlawful presence as a result of the Wolf Memorandum. *See* Pls.' Proposed Order ¶ 6 (Dkt. 347-1); Pls.' Mem. 18-19 & n.12 (Dkt. 349); Defs.' Opp. 9-11 (Dkt. 350).

Respectfully submitted,

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* Motion for law student appearance
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**Application forthcoming in E.D.N.Y.

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